



## 2021 ASSEMBLY BILL 335

May 18, 2021 - Introduced by Representatives STEINEKE, STUBBS, ARMSTRONG, BALDEH, CABRAL-GUEVARA, CABRERA, DALLMAN, DITTRICH, EDMING, GUNDRUM, KITCHENS, KRUG, KURTZ, MACCO, MILROY, MURSAU, NOVAK, PETRYK, SCHRAA, SPIROS, STEFFEN, WITTKE and ZIMMERMAN, cosponsored by Senators ROTH, WIMBERGER, WANGGAARD, L. TAYLOR, FEYEN and PFAFF. Referred to Committee on Criminal Justice and Public Safety.

1     **AN ACT** *to create* 20.455 (2) (d) and 165.98 of the statutes; **relating to:** grants  
2           to law enforcement agencies for body cameras.

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### *Analysis by the Legislative Reference Bureau*

Current law does not require law enforcement agencies to use body cameras on law enforcement officers, but current law regulates what a law enforcement agency must do if it uses a body camera on a law enforcement officer. Under current law, if a law enforcement agency uses a body camera on an officer, the agency must have a written policy regarding the use and storage of the cameras and any limitations on which officers will wear them and on situations and encounters that may be recorded and the agency is subject to the records retention provisions regarding data from the camera.

This bill requires the Department of Justice to award grants to law enforcement agencies to purchase body cameras to use on law enforcement officers whose primary duties are patrolling duties. A law enforcement agency that receives a grant must, for at least three years after receiving the grant funds, use body cameras on all such law enforcement officers and require the officers to activate the camera in situations in which the officer has contact with a member of the public while enforcing laws or investigating conduct. Such situations include traffic stops, arrests, searches, interrogations, or interviews.

Under the bill, law enforcement agencies may apply for the grants. The application must contain a proposed plan to spend the grant money, including the estimated cost per body camera and the number of body cameras needed; a statement indicating that the law enforcement agency will match the amount of the grant it

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receives; and the amount of time the law enforcement agency anticipates it will need after receiving the grant money to comply with the requirement that all of its patrol officers use a body camera. The agency also must agree to maintain the equipment for at least three years after the grant is awarded. If available grant funds are not sufficient to award grants to all eligible applicants, DOJ may consider fairness among different population areas and need based on crime rates when awarding the grants.

The bill also requires DOJ to consult with vendors of body cameras, within 90 days after the bill is enacted, to find cost-saving measures that a law enforcement agency may use when applying for a grant. The bill also requires DOJ and the Department of Administration to develop options for reducing the cost of storing data from body cameras used by law enforcement agencies.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2           the following amounts for the purposes indicated:

	<b>2021-22</b>	<b>2022-23</b>
3 <b>20.455 Justice, department of</b>		
4           (2)    LAW ENFORCEMENT SERVICES		
5           (d)    Grants for body cameras           GPR    C	-0-	-0-

6           **SECTION 2.** 20.455 (2) (d) of the statutes is created to read:  
7           20.455 (2) (d) *Grants for body cameras.* As a continuing appropriation, the  
8           amounts in the schedule to award grants under s. 165.98.

9           **SECTION 3.** 165.98 of the statutes is created to read:

10           **165.98 Grants for body cameras for law enforcement officers.** (1) The  
11           department of justice shall award grants from the appropriation under s. 20.455 (2)  
12           (d), or from gifts, grants, or other donations, to law enforcement agencies to enable

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1 the agencies to purchase body cameras for the law enforcement officers the agency  
2 employs.

3 (2) A law enforcement agency may apply, or more than one law enforcement  
4 agency may jointly apply, to the department of justice for a grant under this section  
5 and shall include in the application all of the following:

6 (a) A proposed plan of expenditure of the grant money, including the estimated  
7 cost per body camera and the number of body cameras needed.

8 (b) A statement indicating that the applicant intends to match the amount of  
9 the grant awarded and agrees to maintain the equipment, replace the equipment as  
10 needed, and maintain adequate digital video storage for at least 3 years from the date  
11 of the award.

12 (c) The amount of time that the applicant anticipates it will need after receiving  
13 the grant money before it is able to equip with a body camera all officers as required  
14 under sub. (3).

15 (3) Notwithstanding a policy under s. 165.87 (1), a law enforcement agency that  
16 receives a grant under this section shall do all of the following for at least 3 years from  
17 the date of the award:

18 (a) Equip with a body camera all officers who have primary duties involving  
19 traffic patrol, beat patrol, or responding to calls from the public requiring assistance.

20 (b) Require an officer who is equipped with a body camera to activate the  
21 camera in situations in which the officer has an enforcement or investigative contact  
22 with a member of the public, including a traffic stop, arrest, search, interrogation,  
23 or interview, or in any other situation in which the officer has contact with a member  
24 of the public that becomes adversarial after the initial contact.

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1           (4) The department shall attempt to award grants to all law enforcement  
2 agencies that apply and qualify under sub. (2). If available funds are not sufficient  
3 to issue grants to all applicants, the department shall consider fairness among  
4 different population areas and need based on crime rates.

5           (5) A law enforcement agency that receives a grant under this section shall use  
6 the grant funds in accordance with the following:

7           (a) The funds may be used only to cover the cost of body cameras, digital  
8 storage, and retrieval systems. The funds may be used to purchase body cameras  
9 only for law enforcement officers under sub. (3) (a). The funds may not be used to hire  
10 employees or pay salaries.

11           (b) The funds are intended to pay for half of the costs of the body cameras, and  
12 the grant recipients are to pay for the other half. The grant recipients may use  
13 contributions, gifts, or other grants as part or all of their matching amount  
14 requirement.

15           (c) The funds may not supplant existing resources.

**SECTION 4. Nonstatutory provisions.**

16           (1) REPORT ON OPTIONS FOR PURCHASING. No later than 90 days after the effective  
17 date of this subsection, the department of justice shall consult with vendors of body  
18 cameras to find cost-saving measures that a law enforcement agency may use when  
19 estimating the cost of body cameras in a grant application under s. 165.98 or when  
20 acquiring body cameras using a grant awarded under s. 165.98.

21           (2) OPTIONS FOR STORING DATA FROM BODY CAMERAS. As soon as possible after the  
22 effective date of this subsection, the department of justice and the department of  
23 administration shall work together to develop options for reducing the cost of storing  
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1 data from body cameras used by law enforcement agencies. The departments shall  
2 share the options with the appropriate persons.

3 (3) GRANT PROGRAM FUNDING. In the 2021-23 fiscal biennium, if the department  
4 of justice requests under s. 13.101 (3) that the joint committee on finance supplement  
5 the appropriation under s. 20.455 (2) (d) with sufficient funds for the department to  
6 award grants under s. 165.98, the committee may supplement that appropriation  
7 from the appropriation under s. 20.865 (4) (a) for that purpose without finding that  
8 an emergency exists under s. 13.101 (3) (a) 1.

9 (END)